

SERVICE DATE - MARCH 16, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 582 (Sub-No. 1)

MAJOR RAIL CONSOLIDATION PROCEDURES

Decided: March 15, 2001

Oral argument in this proceeding has been set for Thursday, April 5, 2001, at 10:00 a.m. in the Surface Transportation Board Hearing Room (Room 760) at 1925 K Street, N.W., in Washington, D.C. In the decision served February 23, 2001, we required parties that filed initial comments, reply comments, and/or rebuttal comments in response to the notice of proposed rulemaking served October 3, 2000,¹ and that wished to participate in the oral argument to notify the Secretary of the Board in writing by Friday, March 9, 2001.

We received 33 requests from parties of record asking to participate in the oral argument. In this regard, Mr. Richard S. Edelman, attorney for the Transportation Trades Department, AFL-CIO – Rail Labor Division (RLD), advised the Board that RLD and its affiliates intend to coordinate their presentations through a single panel and that the Allied Rail Unions will participate in that presentation as well.² Mr. Thomas E. Schick, counsel for the American Chemistry Council (ACC), advised the Board that ACC will also speak on behalf of the American Forest & Paper Association at the oral argument.

Oral Argument Procedures

The schedule of appearances and the time provided for each party appear in the Appendix to this decision. Because the time for the oral argument has been set at 4 hours, in most cases, the times provided for argument have been reduced from the allotments requested. Because the purpose of oral argument is not to restate the written arguments previously made, but rather, as noted in the February 23, 2001 decision, to summarize and emphasize the key points of each

¹ Major Rail Consolidation Procedures, STB Ex Parte No. 582 (Sub-No. 1) (STB served Oct. 3, 2000, and published that day at 65 FR 58974).

² The International Brotherhood of Electrical Workers, the American Train Dispatchers Department-BLE, and the International Association of Machinists and Aerospace Workers also advised the Board that they will be coordinating the presentation of these unions' views with those of the RLD at the oral argument.

party's case and to provide an opportunity for questions from Members of the Board, we believe that the time allocations set forth in the Appendix are sufficient for these purposes.

Any participant planning to enhance its argument by using a map as a visual aid may do so. Participants are limited to projector-adaptable visual displays and/or handouts. The Board will provide space for handouts that participants wish to bring to the oral argument for dissemination to the public, but, as indicated previously in the February 23, 2001 decision, no additional written comments may be submitted for the record in this proceeding. The staff of the Office of the Secretary will be available to demonstrate the Hearing Room's projection system on Tuesday, April 3, 2001, from 2:00 p.m. to 4:00 p.m. Please call (202) 565-1650 to make arrangements.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The time for oral argument is allotted as reflected in the Appendix to this decision.
2. This decision is effective on the date of service.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams
Secretary

APPENDIX
LIST of PARTICIPANTS for ORAL ARGUMENT on THURSDAY, APRIL 5, 2001

		<u>TIME ALLOTTED</u>
<u>U.S. GOVERNMENT ORGANIZATION</u>		
U.S. Department of Transportation		8
	Total	8 minutes
<u>CLASS I RAILROADS AND RELATED INTERESTS</u>		
Association of American Railroads		15
Burlington Northern and Santa Fe Railway Company		8
Canadian National		8
Canadian Pacific		8
CSX		8
Kansas City Southern		8
Norfolk Southern		8
Union Pacific		8
National Railway Labor Conference		15
	Total	86 minutes
<u>RAIL LABOR ORGANIZATIONS</u>		
Rail Labor Division of the TTD, AFL-CIO, and its affiliates / Allied Rail Unions		15
IBEW / ATDD-BLE / IAM		5
United Transportation Union		10
	Total	30 minutes
<u>REGIONAL & SHORTLINE RAILROAD ASSOCIATION</u>		
American Short Line and Regional Railroad Association		10
	Total	10 minutes
<u>GENERAL SHIPPERS, CHEMICALS & PLASTICS COMPANIES & ASSOCIATIONS</u>		
National Industrial Transportation League		15
American Chemistry Council / American Forest & Paper Association		15
BASF Corporation		3
OxyChem and Oxy Vinyls		3
Williams Energy Services		3
	Total	39 minutes
<u>COAL INTERESTS</u>		
The "Subscribing Coal Shippers" Group (WCTL; APPA; NRECA; AEC; City of Grand Island, NE;		
City Utilities of Springfield, MO; LUS; PRPA; SRPAI&PD; TMTA; and NSPM D/B/A Excel Energy).		5
Committee to Improve American Coal Transportation		5
Consumers United for Rail Equity		8
Edison Electric Institute		12
	Total	30 minutes
<u>AGRICULTURAL ASSOCIATION</u>		
National Grain & Feed Association		10
	Total	10 minutes
<u>PASSENGER RAILROADS & RELATED INTERESTS</u>		
National Railroad Passenger Corporation (Amtrak)		5
American Public Transportation Association		3
United Rail Passenger Alliance, Inc.		3
	Total	11 minutes
<u>PORT INTERESTS</u>		
American Association of Port Authorities		3
Jackson County Port Authority (Port of Pascagoula, MS)		5
Port Authority of New York and New Jersey		5
Port of Seattle, WA		5
	Total	18 minutes
<u>STATE/LOCAL INTERESTS</u>		
State of Maryland		5
	Total	5 minutes